United Nations S/2001/1303

Security Council

Distr.: General
8 January 2002
English
Original: French

Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Denmark, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-20410 (E) 250102 200202

Annex

[Original: English]

Letter dated 27 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Upon instructions from my Government, I have the honour to enclose a report from Denmark to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

I should be grateful if you would have the text of this letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Ruben **Madsen**
Ambassador
Chargé d'affaires a.i.

Enclosure

Denmark

Report submitted pursuant to paragraph 6 of Security Council Resolution 1373 (2001) of 28 September 2001

DATE OF SUBMISSION	**27 December 2001**
POINT OF CONTACT	Ministry of Foreign Affairs, JT.1 2, Asiatisk Plads DK-1448 Copenhagen K Denmark Tel: +45 33 92 00 00 Fax +45 32 54 05 33 Email: um@um.dk

Introduction

In Security Council Resolution 1373 (2001) adopted 28 September 2001 the Security Council called upon all States to report to the Committee established by the Council – the Counter Terrorism Committee - no later than 90 days from the date of the adoption of the resolution.

The following report covers actions undertaken by the Danish Government as well as actions taken within the framework of the European Union.

Operative Paragraph 1

Sub-paragraph (a) - General clause regarding the prevention and financing of terrorist acts.

- **What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?**

On 13 December 2001 the Danish Government presented a legislative package (four Bills) to the Danish Parliament containing a broad range of initiatives aimed at combating terrorism and the financing of terrorism – including all the legislative amendments, which are necessary to comply with international standards and requirements after the events of 11 September. The bill contains a new separate provision on terrorism, which – unlike the present section 114 of the Danish Criminal Code – is not limited to terrorist organisations which are based in Denmark or otherwise linked to Denmark or Danish interests. The proposed provision carries a penalty of up to life imprisonment. The bill also contains separate provisions on the financing of terrorism, which carry a penalty of imprisonment up to 10 years. The bill contains all the amendments necessitated by the International Convention for the Suppression of the Financing of Terrorism and the UN Security Council Resolution 1373 (2001).

The Danish Government will take steps to ensure that the bill will be implemented in Greenland and the Faroe Islands as soon as the bill has been adopted by the Parliament.

European Union

The Special Recommendations on terrorist financing adopted at the Extraordinary Plenary Meeting of the Financial Action Task Force on Money Laundering on 29-30 October 2001 relate to a number of the issues covered in Operative Paragraphs 1 and 2 of the Resolution. It is intended that these recommendations be at least partly implemented by measures taken within the framework of the Treaty on the European Union (EU) and the Treaty establishing the European Community (EC).

Sub-paragraph (b) - Criminalization of the financing of terrorism.

- **What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?**

The Criminal Code contains no separate provision on terrorism today, but a number of the provisions of the Code cover acts characterised as terrorism in general usage and in international conventions. The most serious offences as for example murder and hijacking carry a penalty of up to life imprisonment.

Section 23 of the Criminal Code extends the penalty provided in respect of any offence to apply to everyone who has contributed to the act by instigation, advice or action. Thus, if a person concerts with one or more other persons to commit a criminal offence, such conduct is punishable under section 23. The penalty for offences punishable under section 23 is the same as the penalty for the relevant provisions in the Criminal Code.

Today, the financing of terrorism is punishable under section 23, if the funds are intended to finance a specific criminal act. The financing of a terrorist organisation, which intends, by the use of force, to influence Danish public affairs or to disturb the public order in Denmark, is separately criminalized in section 114 of the Criminal Code. The penalty is imprisonment for any term not exceeding 6 years.

The bill introduced by the Danish government to the Parliament on 13 December 2001, contains two new sections according to which financing of terrorism will be criminalized to an even wider extent. Apart from criminalizing persons or entities who directly or indirectly finance terrorism (section 114a), the bill also contains a provision according to which the assistance granted with the aim of furthering the general criminal activity of a group of persons intending to finance terrorist acts (section 114 b) is punishable with imprisonment for any term not exceeding 6 years. This provision is applicable if it is not possible to punish the financing as contribution to specific terrorist acts under section 23 of the Criminal Code.

Sub-paragraph (c) - Freezing of funds.

- **What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.**

Presently, the concept of "freezing" does not exist in Danish criminal law. However, according to the Danish Money Laundering Act, the financial institution must suspend a transaction, where there is a suspicion of money laundering. This suspension gives time for the police to decide whether to seize and confiscate the money.

The bill introduced to Parliament on 13 December 2001 includes new provisions on seizure and confiscation having the same effect as freezing, since they introduce the possibility to seize and confiscate assets, including money, which are likely to be used to commit a criminal act. In connection with the new provisions in the Criminal Code, amendments are proposed to the Money Laundering Act, so that the "freezing" or "suspension" of transactions also applies, where the suspicion of the financial institution relates to the financing of terrorism. This means, that the money, which is likely to be used to finance terrorism can be seized and confiscated, even though the act of terrorism or the financing thereof has not yet been carried out.

European Union

In the framework of restrictive measures against third states established under articles 301 and 60 of the Treaty establishing the EC, the Council adopted a Regulation on 6 March 2001 providing for the freezing of all funds and other financial resources belonging to any natural or legal person, entity or body designated by the "Afghanistan Sanctions Committee"(established under UNSCR 1267) and listed in one of the annexes to the Regulation. As provided for under the terms of the Regulation, the European Commission has on four occasions amended the list annexed to the Regulation on the basis of decisions made either by the Security Council or its Sanctions Committee, adding new persons and entities to the list. The last three amendments target Osama bin Laden and the Al Qaida network.

In order to adapt to the wider scope of measures covered by UNSCR 1373, and in order to be able to reach those persons who commit, attempt to commit, participate in or facilitate terrorist acts, but are not linked to any one state, the Council of the European Union, at its meeting on 10 December, reached agreement on a common position and a Regulation, which together constitute a legal requirement to freeze and withhold the availability of funds, other financial assets and economic resources, to any previously identified natural or legal person, group or entity figuring in lists annexed to the legislation. It is expected that this legislation will enter into force early in 2002.

Sub-paragraph (d) – Prohibition of making funds or services available.

- **What measures exist to prohibit the activities listed in this subparagraph?**

The financing of terrorism is criminalized in Denmark as described in the response to question 1 (a). A person or an entity making financial means or services available to terrorists and to persons and entities associated with terrorists, without the knowledge that the means or the services will be used to commit terrorist acts, is not committing a criminal act under present legislation.

The bill presented to Parliament contains all the legislative amendments, which are necessary to comply with international standards and requirements regarding terrorism. The bill contains a provision whereby any person or entity that makes financial means or services available to terrorists or terrorist groups is liable to imprisonment for any term not exceeding 10 years (section 114a(3)).

European Union

As for the European Union the answer is in part covered by the response given under point 1(c). In addition, existing legislation (in the form of a Directive adopted in 1991) aims to prevent the use of the financial system for money laundering. The Directive includes an obligation on the part of financial institutions to maintain appropriate records and to establish money-laundering programmes. It also provides for the suspension of banking secrecy when necessary and contains an obligation to report suspicious transactions to reporting authorities.

The 1991 Directive was amended on 19 November 2001. The new Directive extends the prohibition of money laundering to most organised and serious crime. It also extends the coverage of the earlier directive to include a number of non-financial activities and professions, which are vulnerable to misuse, by money launderers. The Member States of the European Union have agreed that all offences linked to the financing of terrorism constitute a serious crime under the directive.

Operative Paragraph 2

Sub-paragraph (a) – Prohibition of support to terrorists.

- **What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

Under the present legislation recruitment to terrorist groups can be punished as contribution to the terrorist acts committed or contemplated. According to new legislation recruitment can be punished as contribution to violation of the new provision on terrorism.

Today, the supply of weapons to terrorists can be punished as contribution to the terrorist acts committed or contemplated or as violation of the Act on Weapons and Explosives. Under the new legislation grave violations of the Act on Weapons and Explosives and transport of weapons for terrorist purposes will be covered by the new provision on terrorism.

See also the response given under 2 (c) regarding legislation contemplated.

European Union

Measures aimed at prohibiting the supply of weapons to terrorists are covered by a Directive of 1991 on the control of the acquisition and possession of weapons. This imposes a number of obligations on EU Member States, including the requirement to ensure that those acquiring or possessing firearms are not likely to be a danger to public order or safety. The Directive also prohibits the acquisition and possession of certain types of firearms.

On 16 October 2001, the Council adopted a decision authorising the signature of the UN Protocol on the illicit manufacturing of and trafficking in firearms, theirs parts, components and ammunition (annexed to the Convention against transnational organised crime) on behalf of the European Community. This paves the way for implementation of those aspects of the Protocol, which are subject to Community competence.

The EU Code of Conduct on the exports of military equipment is an important tool in minimising the risk of European armaments being diverted to terrorist organisations. Further security is provided through the Council Regulation governing dual use goods.

The European Union has more generally been reconsidering its relations with third countries in the light of the stand taken by those countries in combating terrorism. On 17 October, the Council adopted a set of indicators in order to assist the EU in evaluating systematically its relations with third countries. The EU is undertaking a review of its relations with third countries in the light of this evaluation.

Sub-paragraph (b) – Early warning by exchange of information.

- **What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states.**

The Danish Civil Security Service is responsible for the internal security of the country, and its functions include safeguarding against, preventing and suppressing the commission of punishable acts and any other activity, which may pose a danger to national security.

The functions of the Civil Security Service comprise countering espionage, terrorism, certain forms of organised crime and serious cases concerning international arms traffic and countering proliferation of weapons of mass destruction.

The Civil Security Service works in close cooperation with foreign police, security and intelligence services. Cooperation takes place both on a general level with a view to monitoring existing threats and in connection with concrete investigations. International cooperation on combating terrorism is carried out both bilaterally and multilaterally, including in the EU, Europol and NATO.

Following the terrorist attack against the United States on 11 September 2001 a number of initiatives have been taken in order to strengthen the fight against terrorist acts. Such initiatives have included both increased mutual cooperation between national authorities and increased international cooperation, including increased exchange of information.

European Union

At its extraordinary meeting on 20 September 2001 the Council (Justice and Home Affairs and Civil Protection) adopted a series of measures aimed at maintaining the highest level of security and other measures needed to combat terrorism. The measures include information on the overall assessment of the terrorist threat in the Member States and procedures for rapid exchange of information on terrorist incidents and communication of information about security measures taken as well as about particular criminal investigations or criminal proceedings relating to terrorism.

The Council also emphasised the important role of the security and intelligence services in the fight against terrorism and agreed that the heads of the services in the EU Member States should meet regularly with a view to intensifying cooperation and exchange of information.

As a follow-up, a meeting of the heads of the security and intelligence services of the EU Member States and Norway and Switzerland agreed that existing cooperation should be strengthened for the purpose of countering the increasing terrorist threat.

On 21 September 2001 the European Council met in extraordinary session in order to analyse the international situation following the terrorist attacks in the United States and to impart the necessary impetus to the actions of the European Union.

The European Council decided that the fight against terrorism will, more than ever, be a priority objective of the European Union.

The European Council also approved a plan of action on enhanced police and justice cooperation including the adoption of a common definition of terrorism, the drawing up of a common list of terrorist organisations, the setting up of a counter-terrorist team within Europol, the launching of initiatives with a view to concluding a cooperation agreement between Europol and the relevant United States' authorities etc.

A decision on 6 December to make Eurojust fully operational will also facilitate the exchange of operational information.

Sub-paragraph (c) – Denying of safe havens.

- **What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.**

Denmark is a party to all relevant international conventions concerning terrorism, except the International Convention for the Suppression of the Financing of Terrorism. Consequently, Denmark has established universal jurisdiction with respect to a vide range of terrorist acts. In these cases it is possible to prosecute terrorists in Denmark, irrespective of where the crime is committed and irrespective of the nationality of the offender or the victims.

According to the bill introduced in Parliament this universal jurisdiction will be extended even further as a consequence of the proposed ratification and implementation of the International Convention for the Suppression of the Financing of Terrorism.

Furthermore, section 8, subparagraph 6, of the Criminal Code contains a provision according to which Denmark has criminal jurisdiction, if a request for extradition is refused and the act according to Danish law is punishable with imprisonment for at least 1 year. This provision applies independently of international obligations concerning universal jurisdiction.

Besides, the Danish Aliens Act contains a number of provisions securing that terrorists are denied safe haven in Denmark.

According to the Danish Aliens Act, article 10, aliens convicted of offences committed outside Denmark may be denied residence permit. Furthermore, offences committed in Denmark may lead to denial of residence permit if the offence has resulted in a court decision ordering the alien to be expelled. The said offences include offences involving terrorism.

The general system in the Aliens Act regarding expulsion by judgement (section 22(i)-(iii), section 23 and section 24) can be described as follows:

(a) An alien who has been lawfully staying in Denmark for seven years or more can be expelled if he or she is sentenced to a minimum of four years' imprisonment. If the alien has been sentenced in respect of several counts, or if the alien has previously been sentenced to imprisonment in Denmark, the alien can be expelled if he or she is sentenced to imprisonment for at least two years;

(b) An alien who has been lawfully staying in Denmark for three years or more, but less than seven years, can be expelled if he or she is sentenced to a minimum of two years' imprisonment. If the alien has been sentenced in respect of several counts, or if the alien has previously been sentenced to imprisonment in Denmark, the alien can be expelled if he or she is sentenced to a minimum of one year's imprisonment;

(c) An alien with less than three years' lawful residence can be expelled if he or she is sentenced to a suspended or non-suspended custodial penalty.

The conditions mentioned concerning the length of the term of imprisonment are minimum conditions in the sense that in all cases the courts must weigh the alien's personal circumstances and ties with Denmark against the seriousness of the crime (section 26). In this connection, such circumstances as the duration of the alien's stay in the country, the alien's health and the consequences of the expulsion for the alien's close relatives living in Denmark are to be considered.

Concerning persons with recognised refugee status a decision on expulsion can only be enforced in accordance with the conditions applying to aliens with a lawful residence of seven years or more, or if the refugee is sentenced in respect of a form of crime falling within the extended provision of expulsion (see below).

Enforcement of the decision of expulsion in the form of return cannot be carried out if the alien is thereby returned to a country where the alien risks persecution as described in the Convention of 1951 relating to the Status of Refugees (see in this respect section 31 of the Aliens Act).

In 1996 an amendment of the Aliens Act was introduced allowing the courts to expel an alien who is sentenced to a custodial penalty because of a drug offence. In 1998, a number of other serious types of crime were added in order that expulsion may be enforced in cases where the alien is sentenced to a custodial penalty regardless of the length of the alien's stay in Denmark. The crimes concerned include murder, rape, aggravated assault and battery, robbery offences against property of a particularly aggravated nature, illegal traffic of human beings, violence against persons in public service, arson and hijacking of planes and ships.

A provision has also been inserted into the Aliens Act, according to which expulsion can be enforced in the cases just referred to unless humanitarian considerations as mentioned in the Aliens Act, in particular the alien's personal circumstances and ties with Denmark decisively speak against expulsion. Such considerations can, however, only prevent expulsion in exceptional cases. On the other hand a person will not be expelled if the expulsion results in a violation of obligations under international human rights law.

Finally, an alien may be expelled administratively when this is found to be necessary for considerations of national security (section 25 of the Aliens Act).

Legislation contemplated

On 13 December 2001, the Danish Government presented a Bill in Parliament whereby the following changes of the Aliens Act are proposed:

The Danish Government contemplates an adjustment of the provisions in the Aliens Act regarding denial of residence permit because of offences committed outside of Denmark or in Denmark. For instance, it should under no circumstances be possible to obtain residence permit – as a refugee or on other grounds – if the exclusion clauses in article 1, F of the 1951 Convention relating to the Status of Refugees apply or if an alien is considered a danger to the society or is considered to be a danger to the security or health of the Danish population.

The provisions regarding expulsion by judgement should be changed in order to expel aliens - regardless of the length of the alien's stay in Denmark - who commit offences with a view to overthrowing or subverting Danish society or democracy. Aliens who are a danger to the security or health of the Danish population are also affected by this change.

The provisions regarding administrative expulsion will be changed. The change means that aliens who are considered a danger to the society as well as aliens who are considered to be a danger to the security or health of the Danish population can be administratively expelled.

Furthermore, the Danish prohibition of refoulement in the Aliens Act section 31 should be tightened in order to make it possible to enforce decisions of exclusion and expulsion in all cases – unless it would be at variance with Denmark's obligations under the 1951 Convention relating to the Status of Refugees or other international conventions.

European Union

Article 23(1) of the Convention implementing the Schengen Agreement states that: "aliens who do not fulfil or who no longer fulfil the (...) conditions applicable within the territory of a Contracting Party shall normally be required to leave the territories of the Contracting parties immediately". When departure is not voluntary, or if the immediate departure of the alien is necessary for reason of national security or public order, removal is to be carried out in accordance with the national law of the Contracting Party in which the person was apprehended.

Harmonisation of legislation in this area should take place in the context of the Directive on the mutual recognition of decisions on the expulsion of third country nationals, the aim of which is to ensure more effective enforcement of these measures and better cooperation between Member States.

Sub-paragraph (d) – Prevention of use of territories.

- **What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.**

Pursuant to section 6, subparagraph 1, of the Criminal Code acts committed within the territory of the Danish state is subject to Danish criminal jurisdiction. It is not a requirement that every part of the criminal act is

committed in Denmark. Therefore, both attempts to commit terrorist acts and preparation of terrorist acts, that takes place on Danish territory, can be punished in Denmark, even though the act is carried out in or directed against a foreign state.

The proposed provisions on terrorism and financing of terrorism in the new bill are not limited to terrorist attacks against the Danish state and authorities. Attacks against foreign states and authorities are also criminalized.

European Union

In addition to the measures given in response under 2(b), the Schengen Information System (SIS) offers several possibilities for preventing terrorists from using the territories of the Member States. Efforts are being made to improve the use of the SIS. For example the authorities will encourage the introduction of warnings by default, and national warnings fulfilling the criteria for introduction into the SIS will be introduced and should not require any additional operation from the initiating authority. In addition, the consultations foreseen about warnings against persons for the purpose of discreet surveillance will be simplified. At Europol, a task force composed of twenty specialists on anti-terrorism was created at short notice after 11 September and is now fully operational.

Sub-paragraph (e) – Ensuring of criminal prosecution and suitable punishment.

- **What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.**

The new bill includes insertion of a special terrorism section providing a definition of terrorism into the Criminal Code. According to this section terrorist acts are liable to imprisonment for any term up to life imprisonment. The bill also includes provisions according to which financing of terrorism is liable to imprisonment for any term up to 10 years.

With the proposed provisions the Danish government wish to signal that terrorist acts including financing, organization and preparation are serious criminal acts that should be punished in a way reflecting their grave nature.

European Union

On 6 December, the Council reached political agreement on a Framework Decision on combating terrorism. This legislation includes a common definition of various types of terrorist offences and serious criminal sanctions. The legal text will be adopted shortly, and Member States have until the end of 2002 to implement the measures in their own criminal law.

The Council also reached political agreement on a proposal to introduce a European arrest warrant, which would replace the current system of extradition between Member States for serious offences and enable wanted persons to be surrendered to judicial authorities in other EU Member States.

On 6 December, the Council furthermore reached political agreement on a text setting up a judicial cooperation unit in Eurojust. Its objective is to improve and encourage cooperation between the competent national authorities, in particular by facilitating mutual legal assistance and the implementation of extradition requests.

Sub-paragraph (f) – Mutual assistance.

- **What procedures and mechanisms are in place to assist other states? Please provide any available details on how these have been used in practice.**

There is no specific Danish legislation relating to mutual legal assistance in criminal matters. In all cases where assistance from Denmark is required the Danish authorities apply national law. This implies that Danish authorities can comply with requests for mutual legal assistance even though no bilateral or multilateral agreement exists between Denmark and the requesting country. This also implies that Danish authorities can comply with a request if the investigative measure(s) covered by the request could be carried out in a similar national case. Therefore, requests are executed in accordance with national law concerning criminal procedure (The Administration of Justice Act) and - if applicable - in accordance with relevant international instruments such as the 1959 Council of Europe Convention on Mutual Legal Assistance and Agreements between the Nordic countries.

Danish law enforcement authorities can always provide foreign law enforcement authorities with requested information. In some cases, there can be a restriction on the further use of the information, for example if there is an on-going investigation in Denmark.

European Union

See response given for the European Union under 2 (d) above.

Sub-paragraph (g) – Border controls.

- **How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?**

According to Section 3 in the Danish Passport Order, travelling to and from Denmark may only take place through authorised border crossings. According to Section 31 in the Passport Order, a violation of Section 3 is a criminal offence. However, since 25 March 2001 Denmark has been an integrated member of the Schengen Cooperation. Travel across internal Schengen-borders such as the Danish-German and Danish-Swedish borders may take place at any point and is not subject to systematic border-controls. On the other hand the controls at Denmark's external Schengen-borders such as the international airports in Copenhagen and Billund have been strengthened in order to fully comply with the Schengen-standards. The control of the external borders is regulated in the Danish Aliens Act, which has been amended to meet the requirements set out in the Schengen acquis.

According to Section 4 in the Passport Order, the police issues Danish passports to Danish citizens staying in Denmark. Danish Passports to Danish citizens staying abroad are issued by the Danish diplomatic and consular representations. Applicants for a Danish passport must submit their application in person to the issuing authorities, cf. Section 6. The issuing authority will then control the identity, citizenship etc. of the applicant on a case-by-case basis.

When travelling to and from Denmark, Danish citizens are obliged to be in possession of a Danish passport, cf. Section 2 in the Passport Order. Thus, a Danish passport is the only valid travel document for Danish citizens. However - according to Section 1 in the Passport Order and in accordance with an agreement between the Nordic countries - Danish citizens may within the Nordic countries (Finland, Iceland, Norway and Sweden) travel without a Danish passport.

One central authority, i.e. the Commissioner of Police, produces Danish passports. The passports are drafted and produced in accordance with the recommendations adopted by the International Civil Aviation Organisation and

the EU resolutions on a uniform model for passports from EU countries. The passports contain a series of security features that impede counterfeiting and forgery.

Passports, which are reported stolen or missing, are entered into the Central Passport Register and in the Schengen Information System (SIS).

Administrative steps taken

Following the terror acts that took place in the United States on 11 September 2001, the control of the Danish borders has been carried out with a special awareness towards the fight against terrorism.

Legislation contemplated

The Danish Government has proposed to change the Aliens Act to the effect that more aliens – including aliens having committed terrorist acts – will be reported to the Schengen Information System as unwanted. The reporting to the Schengen Information System will improve possibilities for other members of the Schengen co-operation to identify such aliens in case they travel to a Schengen member state and are stopped by the police. Furthermore, aliens reported as unwanted in the Schengen Information System may be denied access to the Schengen area.

European Union

Also under the auspices of the EU attention is directed towards the level of security of travel documents, including nationality passports. At a meeting on 28 September 2000 the Council (Justice and Home Affairs) adopted a Resolution on the introduction of minimum standards for the security of travel documents that are issued by the EU Member States. Minimum standards applying to nationality passports must be in force no later than 1 January 2005.

An Early Warning System was established by Council Resolution of 11 May 1999 for the transmission of information on illegal immigration and facilitator networks. This network is available to both Member States and candidate countries, and has been used increasingly since 11 September 2001.

A uniform format for visas issued by Member States is required by a Council Regulation of 29 May 1995. It provides for procedures and specifications to prevent the production and use of counterfeit or false visas.

Operative Paragraph 3

Sub-paragraph (a) – Exchange of operational information.

- **What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?**

See response given under 2 (b) above.

European Union

See response given under 2(b) above. In addition, existing EC legislation regulating data protection provides for flexibility in the exchange of information where this contributes to the fight against terrorism.

Sub-paragraph (b) – Exchange of information on judicial and administrative matters.

- **What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?**

See response given under 2 (b) above.

European Union

The European Union is intensifying its cooperation specifically with the United States in these areas. Following the events on 11 September 2001, the United States submitted to the Strategic Committee on Immigration, Frontiers and Asylum, at a joint meeting on 26 October 2001, proposals for cooperation in border control and migration management. These proposals are currently under examination.

Sub-paragraph (c) – Cooperation.

- **What steps have been taken to cooperate in the areas indicated in this sub-paragraph?**

See response given under 2 (b) above.

European Union

In addition to the measures set out under 2(b), the Council has taken a number of steps to enhance EU cooperation with third countries. High level contacts have led in particular to a stepping up of law enforcement and judicial cooperation between the EU and the United States. On 6 December an agreement was signed which provides for cooperation and the exchange of non-personal information between Europol and the United States, and negotiations have begun on an agreement on the exchange of personal data.

Specific emphasis has been given to using the provisions in existing bilateral agreements to step up cooperation on counter-terrorism. More generally, the European Commission is examining the European Community's external aid programmes, budget lines and country strategies to establish what further assistance might be provided within the framework of the EC's existing assistance programs. The EC is already providing assistance to a number of third countries in areas such as governance and the enforcement of judicial and legal systems.

Sub-paragraph (d) - Accession to relevant conventions.

- **What are your governments' intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?**

Denmark has already ratified all the conventions, and protocols referred to in this sub-paragraph, except for the International Convention for the Suppression of the Financing of Terrorism from 9th December 1999. On 25th September 2001 Denmark signed this convention and it is the Danish governments' intention to ratify the convention as soon as the bill implementing the amendments necessitated by that Convention, has been passed by Parliament.

A number of the relevant conventions are not fully implemented in the Home Rule legislation of Greenland and the Faroe Islands respectively. The Danish Government will take steps to ensure full implementation as soon as possible.

Sub-paragraph (e) – Full implementation of relevant conventions and SCR 1269 and 1368.

- **Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.**

Denmark has implemented all the global legal instruments against international terrorism that are in force and also the European Convention against Terrorism. Denmark signed the International Convention for the Suppression of the Financing of Terrorism on 25 September this year and intends to ratify the Convention as soon as the enabling legislation is in place. Denmark has also followed up on all relevant Security Council resolutions against international terrorism and regimes providing support to terrorists.

European Union

The EU has been promoting actively the signature and ratification by all its Member States of all the UN conventions on terrorism (in particular the Convention on the Suppression of the Financing of Terrorism), as well as the completion of the negotiations on the draft Comprehensive Convention on international terrorism. It has in particular taken advantage of all its political dialogue meetings with third countries, where terrorism now regularly features on the agenda so as to address with those countries the specific issue of adhering to the terrorism conventions.

Sub-paragraph (f) – Appropriate measures before granting refugee status.

- **What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.**

The Danish immigration authorities are, during the process of determining whether a person qualifies for refugee status, examining whether the exclusion clauses in article 1, F (a)-(c) of the 1951 Convention relating to the Status of Refugees are applicable. In the affirmative, refugee status will be denied. In this context, article 1, F (b) of the Convention, according to which the Convention shall not apply to any person with respect to whom there are serious reasons for considering that he has committed a serious non-political crime, is of particular relevance.

Murder, hijacking and drug trafficking are regarded as serious non-political crimes according to the practice of the Danish Refugee Board.

With regard to denial of residence permits to refugees – as well as other aliens – due to serious offences committed in Denmark see the comments to Operative paragraph 2, sub-paragraph (c).

Legislation contemplated

The Danish Government has proposed an adjustment of the provisions in the Aliens Act regarding denial of residence permit because of offences committed outside of or in Denmark. For instance, it should under no circumstances be possible to obtain residence permit – as a refugee or on other grounds – if the exclusion clauses in article 1, F of the 1951 Convention apply or if an alien is considered to be a danger to the society or is considered to be a danger to the security or health of the Danish population.

European Union

The Council has focused its work on a proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status. At its meeting on 6 and 7 December 2001, the Council adopted conclusions on this matter and took note of the Commission's intention to present a modified proposal.

The Council has also pursued its work concerning a proposal for a Council Directive laying down minimum standards for the reception of asylum seekers in Member States and a proposal for a Council Regulation establishing the criteria and mechanisms for determining which Member State should be responsible for examining an asylum application lodged in one of the Member States by a third-country national. This Regulation will replace the Dublin Convention.

Existing EC instruments in the field of asylum all contain standard provisions to allow persons thought to be terrorists or to pose a terrorist threat to be excluded from the right to international protection and residency or denied access to certain benefits.

Sub-paragraph (g) – Abuse of refugee status.

- **What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.**

In pursuance of section 5(1) of the Danish Act on Extradition a person cannot be extradited for a political offence. If the act committed also involves an offence of a non-political nature, extradition may be effected in respect of this offence provided that the act is primarily of a non-political nature, cf. section 5(2). However, there are certain exceptions to the prohibition, cf. section 5(3) and (4), if extradition is sought to an EU Member State with respect to an act covered by Article 1 or 2 of the European Convention on the Suppression of Terrorism or extradition with respect to the commission of an act covered by Article 2 of the International Convention for the Suppression of Terrorist Bombings.

The new bill includes an extension of these exceptions. Thus a request of extradition for offences covered by the International Convention for the Suppression of the Financing of Terrorism cannot be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives.

With regard to asylum seekers, according to the Aliens Act, applications for asylum are in the first instance examined by the Danish Immigration Service and – in case of a negative decision – then by the Refugee Board.

In the process of examining whether an asylum seeker should be excluded from refugee status as a consequence of having been involved with terrorist acts the Danish Immigration Service and the Refugee Board can use all relevant information. For instance: Information from the applicant, all accessible background information on a particular country, information from the intelligence services, information from Interpol etc.

Administrative steps taken

Before the terror acts that took place in the United States on 11 September 2001, the Danish Immigration Service did not carry out interviews in connection with all asylum seekers from Iraq and Afghanistan, since a relatively large part of asylum seekers from these countries meet the requirements for obtaining asylum in Denmark.

The Danish Immigration Service has subsequently decided to carry out interviews in all cases – in order to examine the background of these aliens more closely and, where necessary, exchange information with the intelligence services.

Legislation contemplated

A number of new provisions will be added to the Aliens Act in order to facilitate exchange of information between the immigration authorities, the intelligence services and the prosecutions authority in regard to aliens having applied for residence permits or visas etc. in Denmark. The exchange of information should, among other

things, ensure that aliens posing a security risk vis-á-vis Denmark or countries with close ties to Denmark are identified so that appropriate precautions may be taken.

European Union

See the response given under 3(f) above.

Paragraph 4

The Danish Government has furthermore proposed to improve the authority of the Police – in the context of investigating an offence or in connection with international searches – to compare fingerprints with fingerprints taken from asylum seekers and to pass on fingerprints from asylum seekers to police authorities abroad.

Conclusion

Denmark is fully committed to cooperating with the United Nations, its Member States and particularly with the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 to combat international terrorism. Denmark stands fully behind the global efforts to implement resolution 1373 and all other relevant legal instruments against international terrorism.